

EXHIBIT D-2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

PBM Bellwether Cases

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS' JURISDICTIONAL DISCOVERY REQUESTS FOR PRODUCTION OF
DOCUMENTS TO OPTUM DEFENDANTS**

COMES now the PBM Bellwether Plaintiffs and submit the following discovery requests pursuant to Rule 34 of the Federal Rules of Civil Procedure to Defendants UnitedHealth Group, Inc., Optum, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., OptumRx Discount Card Services, LLC, Optum Perks, LLC, OptumHealth Care Solutions, LLC, OptumHealth Holdings, LLC, and Optum Health Networks, Inc.

DEFINITIONS

This section sets forth specific definitions applicable to certain words and terms used herein. Unless words or terms have been given a specific definition in this section or in a specific request, each word or term shall be given its usual and customary dictionary definition, except where a word or term has a specific customary and usage definition in your trade and industry. In that case, the word or term shall be interpreted in accordance with the specific customary and usage definition.

1. “Communication” or “communications” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) and, with respect to oral communications, includes any document evidencing such oral communications. It includes the transmittal of information by any means, including email, SMS, MMS or other “text” messages, shared applications from cell phones, or by any other means. “Communication” shall also include, without limitation, all originals and copies that are provided by You or to You by others.

2. “Document” or “documents” includes, but is not limited to, the following items, whether written, printed, typed, drawn, punched, taped, films, electronic, recorded, or graphic matter, including drafts, that is or has been in your possession, custody, or control, or is known to exist by You, including but not limited to, any account, record, book, notebook, pamphlet, brochure, catalog, periodical, publication, advertisement, promotional material, schedule, list, manual, letter, correspondence, telegram, telephone record, stenographic or handwritten note, memorandum, contract, agreement, lease, manifest, purchase order, ticket, claim, log, computer record, bulletin, study, survey, summary, call report, sales letter, chart, graph, blueprint, drawing, sketch, article, specification, diary, index, data sheet, inter- and intra-company communication, report, plan, work sheet, note bill, check, draft, bank statement, credit memo, ledger, journal, calendar, minutes, transcripts, invoice, order form, accounting record, financial record, bookkeeping record, photograph, photo record, teletype, telex, tape recording, videotape, text or SMS message, electronic mail, other form of data compilation, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof. Furthermore, if copies, reproductions or facsimiles of a document are not identical because of handwritten notations,

initials, identification marks, or any other modification, each such non-identical copy is a separate document within the meaning of this definition.

3. “UHG Enterprise” means any parent, subsidiary, or sibling company of UnitedHealth Group, Inc.

4. “Optum entities” refers to Optum, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., OptumRx Discount Card Services, LLC, Optum Perks, LLC, OptumHealth Care Solutions, LLC, OptumHealth Holdings, LLC, Optum Health Networks, Inc, and any other entity that is affiliated with the Optum entities and/or UnitedHealth Group that includes “OptumInsight” and/or “OptumHealth” as part of its name.

5. “You” or “Your” means the entities to which these Requests are directed and their officers, directors, employees, partners, representatives, agents, corporate parent, subsidiaries, affiliates, divisions, predecessors, or successors-in-interest, and other persons or entities acting on behalf of or controlled by them.

DISCOVERY REQUESTS

1. All Documents, including but not limited to marketing materials, describing, referring to, or related to the collaboration, coordination, or integration between any of Your parent, subsidiary, or sibling companies as part of the larger UHG Enterprise.¹

2. All Documents reflecting or relating to any data sharing between any parent or sibling entity or the use of, or promotion of access to, data owned, controlled, or managed by UnitedHealth Group, Inc.

¹ Please see April 5, 2024 letter from the PEC to Optum for illustrative examples of documents that relate to collaboration, coordination, or integration between the various Optum entities as part of the “UHG enterprise.” We provide these examples only as clarification, the examples are not meant to limit the scope of your searches and/or production with respect to this request.

3. All Documents describing or referencing the “UHG Enterprise.”

4. All Documents reflecting Communications related to opioid products between

You and the following:

i. Any person or entity in the bellwether states, including their employees, agents or anyone working on their behalf;

ii. Any state agencies for any of the bellwether states, including their employees, agents or anyone working on their behalf;

iii. Health care providers, pharmacies, pharmacists, or medical- and/or pharmacy-related trade organizations located in any of the bellwether.

5. All Documents concerning or reflecting any analysis you conducted of opioid prescribing, dispensing, addiction, overdose or other opioid-related harms in any of the bellwether states.

6. All Documents concerning or reflecting Your agreements and/or Communications with or regarding any pharmacy in any of the bellwether states.

7. All Documents and Communications related to educational programs, series, round tables, seminars, continuing medical education programs (CMEs), and/or continuing nursing education programs (CNEs) that any Optum entity engaged in related to opioids in any of the bellwether states.

8. All Documents and Communications related to any study, research, consulting, and/or marketing work that any Optum entity performed on behalf of any opioid manufacturer that involved data, physicians, patients, and/or employees from any of the bellwether states.

9. All Documents and Communications related to any study, research, consulting, and/or marketing work that any Optum entity performed on behalf of any opioid manufacturer that was distributed and/or presented in any bellwether state.

10. All Documents related to cash card claims administered by any Optum cash card entity (including Optum Discount Card Services and Optum Perks) related to opioids in each bellwether state.

11. All Documents relied on or supporting Your responses to the Jurisdictional Discovery Interrogatories to Optum Defendants.

Dated: April 17, 2024

Respectfully Submitted,

Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
jconroy@simmonsfirm.com

Joseph F. Rice
MOTLEY RICE
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.
FARRELL & FULLER LLC
270 Munoz Rivera Avenue, Suite 201
San Juan, PR 00918
(304) 654-8281
paul@farrellfuller.com

Plaintiffs' Co-Lead Counsel

Peter H. Weinberger
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114

(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

Counsel for City of Independence, Missouri:

/s/ John F. Garvey

STRANCH, JENNINGS & GARVEY, PLLC John F. Garvey

Colleen Garvey

Ellen A. Thomas

Peabody Plaza

701 Market Street, Suite 1510

St. Louis, MO 63101

Tel: (314) 390-6750

jgarvey@stranchlaw.com

cgarvey@stranchlaw.com

ethomas@stranchlaw.com

/s/ Joanne M. Cicala

THE CICALA LAW FIRM PLLC

Joanne M. Cicala

Joshua Wackerly

R. Johan Conrod

Shelbi Flood

101 College Street

Dripping Springs, TX 78620 Tel: (512) 275-6550

Fax: (512) 858-1801

joanne@cicalapllc.com

josh@cicalapllc.com

johan@cicalapllc.com

shelbi@cicalapllc.com

/s/ Daniel A. Thomas

HUMPHREY FARRINGTON MCCLAIN

Daniel A. Thomas

221 W. Lexington Ave. Ste 400

Independence, MO 64050

Tel: (816) 836-5050

DAT@hfmlegal.com

Counsel for Plaintiff City of Independence, MO

Counsel for City of Rochester:

/s/Hunter J. Shkolnik

Hunter J. Shkolnik

Paul J. Napoli

NSPR Law Services LLC

1302 Avenida Ponce de Leon Santurce, Puerto Rico 00907 (833) 271-4502

hunter@nsprlaw.com

pnapoli@nsprlaw.com

Salvatore C. Badala
Shayna E. Sacks
Joseph L. Ciaccio
Napoli Shkolnik PLLC
360 Lexington Avenue, 11th Floor New York, NY 10017
(212) 397-1000
sbadala@napolilaw.com
ssacks@napolilaw.com
jciaccio@napolilaw.com

Counsel for Plaintiff City of Rochester

Counsel for County of Webb, Texas:

/s/ Joanne M. Cicala
THE CICALA LAW FIRM PLLC Joanne M. Cicala
Joshua Wackerly
R. Johan Conrod
Shelbi Flood
101 College Street
Dripping Springs, TX 78620 Tel: (512) 275-6550
Fax: (512) 858-1801
joanne@cicalapllc.com
josh@cicalapllc.com
johan@cicalapllc.com
shelbi@cicalapllc.com

/s/ Kevin Sharp
SANFORD HEISLER SHARP, LLP Kevin Sharp
Christine Dunn
611 Commerce Street, Suite 3100 Nashville, Tennessee 37203
Tel: (615) 434-7000
Fax: (615) 434-7020
ksharp@sanfordheisler.com
cdunn@sanfordheisler.com

Counsel for Plaintiff Webb County, TX

Counsel for Lincoln County, MO

/s/ John F. Garvey
STRANCH, JENNINGS & GARVEY, PLLC John F. Garvey
Colleen Garvey
Ellen A. Thomas
Peabody Plaza
701 Market Street, Suite 1510
St. Louis, MO 63101
Tel: (314) 390-6750

jgarvey@stranchlaw.com
cgarvey@stranchlaw.com
ethomas@stranchlaw.com

/s/ Joanne M. Cicala

THE CICALA LAW FIRM PLLC Joanne M. Cicala

Joshua Wackerly

R. Johan Conrod

Shelbi Flood

101 College Street

Dripping Springs, TX 78620 Tel: (512) 275-6550

Fax: (512) 858-1801

joanne@cicalapllc.com

josh@cicalapllc.com

johan@cicalapllc.com

shelbi@cicalapllc.com

/s/ Patrick A. Hamacher

NIEMEYER, GREBEL & KRUSE, LLC Patrick A. Hamacher

Mark R. Niemeyer

211 N. Broadway, Suite 2950

St. Louis, MO 63102

Tel: (314) 241-1919

Fax: (314) 665-3017

hamacher@ngklawfirm.com

Niemeyer@ngklawfirm.com

Counsel for Plaintiff Lincoln County, MO